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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,741	10/17/2003	Joseph Wayne Norton	101610.55984US	8292
23911 7590 06/12/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 06/12/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/686,741

**Applicant(s)**

NORTON ET AL.

**Examiner**

Jeffrey R. Swearingen

**Art Unit**

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 2/21/2008 have been fully considered but they are not persuasive.
2. Applicant's amendments overcome the rejections under 35 U.S.C. 101.
3. Applicant argues that Boyle failed to disclose *calculating a plurality of destination nodes based on a subscriber identifier and a plurality of addressing functions, each addressing function corresponding to a topology of the network at a particular moment in time*. A user subscribes to Boyle's service - *based on a subscriber identifier*. The physical connection is measured in terms of seconds - *each addressing function corresponding to a topology of the network at a particular moment in time*. Both a narrowband and a wideband channel are available - *a plurality of destination nodes based on a subscriber identifier and a plurality of addressing functions, each addressing function corresponding to a topology of the network at a particular moment in time*.
4. Applicant argues that Boyle failed to disclose *receiving, by a first node that stores messages, a message retrieval request; calculating, by the first node using a subscriber identifier and a first addressing function, a second node that stores messages; calculating, by the first node using the subscriber identifier and a second addressing function, a third node that stores messages; and forwarding, by the first node, the message retrieval request to the second and third nodes*. Boyle received message requests in column 14, lines 21-37. Boyle contacted the server to establish the request - *calculating, by the first node using the subscriber identifier and a first addressing function, a second node that stores messages*. Boyle forwarded through a link server device - *calculating, by the first node using the subscriber identifier and a second addressing function, a third node that stores messages*. The messages were forwarded to the mobile device - *forwarding, by the first node, the message retrieval request to the second and third nodes*.
5. Applicant's claims are currently unreasonably broad, and can be variously read as identifying who is present on a server, where mobile phone messages may be sent, a mobile IP service, an alternate routing scheme to avoid traffic congestion, and an email service.

***Claim Rejections - 35 USC § 102***

Art Unit: 2145

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle et al. (US 6,138,158).

8. In regard to claim 1, Boyle disclosed:

*calculating a plurality of destination nodes based on a subscriber identifier and a plurality of addressing functions, each addressing function corresponding to a topology of the network at a particular moment in time.* Column 8, lines 1-13

*querying the calculated plurality of destination nodes for a message* Column 14, lines 21-37

9. In regard to claim 2, Boyle disclosed:

*receiving a message retrieval request at an initial retrieval node of the network, the message retrieval request including the subscriber identifier;* column 14, lines 21-37

10. In regard to claim 3, Boyle disclosed:

*receiving the message from one of the calculated plurality of destination nodes; and* column 14, lines 29-38

*forwarding the message toward an originator of the message retrieval request.* Column 14, lines 29-38

11. In regard to claim 4, Boyle disclosed:

*the originator of the message retrieval request is a wireless handset, the message being at least one of a short messaging service message and a mail digest.* Column 12, lines 54-67

12. In regard to claim 5, Boyle disclosed:

*the originator of the message retrieval request is a wireless handset, the message being a long messaging service message. Column 12, lines 54-67*

13. In regard to claim 6, Boyle disclosed:

*receiving a plurality of messages from the calculated plurality of destination nodes; and column 14, lines 29-39*

*forwarding the plurality of messages toward the originator of the message retrieval request. Column 14, lines 29-38*

14. In regard to claim 7, Boyle disclosed:

*receiving the message at an initial storage node, the message including the subscriber identifier; column 7, lines 13-39*

*calculating an actual destination node based on the subscriber identifier and a current addressing function corresponding to a current topology of the network; and column 11, line 38 – column 12, line 14*

*sending the message to the actual destination node for storage, the calculated plurality of destination nodes including the actual destination node and the plurality of addressing functions including the current addressing function. Column 14, lines 29-38*

15. In regard to claim 8, Boyle disclosed:

*storing the message to an internal queue of the initial storage node; and column 12, lines 15-37*

*removing the message from the internal queue if a confirmation of receipt is received from the actual destination node. Column 12, lines 15-43*

16. In regard to claim 9, Boyle disclosed:

*sending a message waiting indicator message toward a device associated with the subscriber identifier. Column 12, lines 15-22*

17. In regard to claim 10, Boyle disclosed:

*expiring one or more of the plurality of addressing functions based on a message validity period.* Column 16, lines 11-13

18. In regard to claim 11, Boyle disclosed:

*expiring one or more of the plurality of addressing functions for an expired destination node based on a local expiration signal from the expired destination node.* Column 16, lines 11-13

19. In regard to claim 12, Boyle disclosed:

*applying a time stamp to each of the plurality of addressing functions; and* column 12, line 3 – notification sequence number

*delivering each of the plurality of addressing functions to the plurality of destination nodes before activation.* Column 13, lines 57-67

20. In regard to claim 13, Boyle disclosed:

*the addressing functions are hash functions.* Column 16, lines 55-65

21. Claim 14 has substantially the same limitations as claims 1-3, 7-9, and 13.

22. Claim 15 has substantially the same limitations as claim 4.

23. Claim 16 has substantially the same limitations as claim 5.

24. Claim 17 has substantially the same limitations as claim 6.

25. Claim 18 has substantially the same limitations as claim 10.

26. Claim 19 has substantially the same limitations as claim 11.

27. Claim 20 has substantially the same limitations as claim 12.

28. Claims 21-33 are substantially the same as claims 1-13.

29. In regard to claim 34, Boyle disclosed:

*receiving, by a first node that stores messages, a message retrieval request;* column 14, lines 21-37

*calculating, by the first node using a subscriber identifier and a first addressing function, a second node that stores messages;* column 14, lines 21-37

Art Unit: 2145

*calculating, by the first node using the subscriber identifier and a second addressing function, a third node that stores messages; and* column 14, lines 21-37

*forwarding, by the first node, the message retrieval request to the second and third nodes.* Column 14, lines 29-38

30. In regard to claim 35, Boyle disclosed:

*the first and second addressing functions correspond to a topology of the network at different moments in time.* Column 14, lines 21-37 – comparing the device ID in the request with the device ID in the device ID list

31. In regard to claim 36, Boyle disclosed:

*the first and second addressing functions are hash functions, and the first and second addressing functions each have a different expiration time.* Column 16, lines 55-65; column 12, line 3

### **Conclusion**

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

33. Grasso et al. US 5,892,909

34. Ramasubramani et al. US 6,314,108

35. Collins et al. US 6,424,828

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2145

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2145

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